

*Town of Tyngsborough  
Conservation Commission*  
25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 116  
Fax: (978) 649-2301

**APPROVED**  
8-25-09

Minutes  
June 9, 2009  
**APPROVED**

**Present:**

**ES:** Ed Smith      **JN:** John Nappi      **CF:** Christine Fox      **JK:** Jeff Kablik      **WL:** William Look  
**MM:** Matt Marro, Conservation Director

**Absent:**

**JE:** Jerry Earl      **LG:** Lucy Gertz

**7:05pm**      Meeting opened by Ed Smith

**7:05pm**      **65-67 Mascuppic Trail (M32, P37, L0) – Notice of Intent DEP# 309-0823** for the proposed construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio and steps. Continued from 5/26/09.

Steve Eriksen of Norse Environmental appeared before the Commission for the applicant. Since the last meeting, the DEP has issued their comments on the project and their only requirement was for more information regarding floodplain compensation. Mr. Eriksen noted that a concrete wall would be constructed as part of the floodplain compensation and that only 10% of the bank would be disturbed. A floating silt curtain would be installed in the water that would prevent further debris from entering the lake during construction. MM noted that there are no wildlife habitat issues and that the floating silt curtain and floodplain compensation were acceptable. He recommended a Standard Order of Conditions. The Commission indicated that a Structural Engineer and the Conservation Director should approve the design plans before any building permits are issued. In addition, the Conservation Director should inspect the placement of the silt curtain prior to any work being started.

**JK:** Motion to close the hearing.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

**JK:** Motion to issue a Standard Order of Conditions for 65-67 Mascuppic Trail (M32B, P37, L0) DEP# 309-0823 for the construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio, and steps with the following conditions: the design plans should be approved by a Structural Engineer and the Conservation Director prior to the issuance of a building permit. The silt curtain should be in place and inspected by the Conservation Director prior to any work being started.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

- 7:10pm **Massachusetts Highway(both ends of Tyngsborough Bridge) – Request for Determination of Applicability** for the purpose of herbicide spraying of the invasive plant Pepperweed in an effort to keep the species from spreading to inland Massachusetts.

Tara Mitchell of Massachusetts Highway appeared before the Commission to explain the need to eradicate an invasive plant species that is choking the areas along the road at both ends of the Tyngsborough Bridge. Pepperweed was marked with flags and will be treated via a backpack spraying technique. The herbicide “Escort”, an EPA and DEP approved chemical will be used. Ms. Mitchell also noted that Massachusetts Highway will notify the town 48 hours prior to the treatment.

**JK:** Motion to close the hearing.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

**JK:** Motion to issue a Negative Determination for the spraying of herbicide on the invasive plant Pepperweed at both ends of the Tyngsborough Bridge.

**WL:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

- 7:20pm **76 Frost Road (M19, 25, 20B, P60, 8, 30) – Town of Tyngsborough Notice of Intent DEP# 309-0824** for the redevelopment of the former Tyngsborough Campground within Bank, Bordering Land subject to Flooding, riverfront Area, and the Buffer zone to Bank and Bordering Vegetated Wetlands, including the local 30-foot no disturbance buffer zone and the local 5-foot no building buffer zone.

**JK:** Motion to waive the reading of the legal ad.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

**JK:** Motion to waive the reading of the abutters list.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

Jennifer DiNovo from Beals & Thomas, representing the Town of Tyngsborough, appeared before the Conservation Commission to present the design plans for the redevelopment of the former campground at 76 Frost Road. The plan details improvements to the property which is approximately 8.3 acres. The proposed improvements would include a public park with small amenities, improved access to the park, landscaping, and drainage improvements. The current access driveway will be used for access to the park with obvious improvements made to that driveway. In addition, a 15 car parking area would be built and include emergency vehicle access. The existing boat ramp will be repaired and improved for non-motorized boat use only. Walking trails, vegetation improvements and additions, and a camp-out area would be added to the park.

MM reported that Beals & Thomas acquired the endangered species impact report from Mass Fish & Wildlife prior to filing this NOI, which further educates the Commission on the impact that this plan will have on the area. All reports indicate that there would not be any endangered species impact concerning this project. MM went on to say that DEP did not have any issues regarding this plan. Ms. DiNovo noted too that any impacts to the area would be minimal and would only improve the current conditions. She also noted that no trees would be removed, only added, and no fill would be added.

Abutter Scott Bordeleau of 66 Parham Rd. asked where the money was coming from to support this project. ES responded that all monies come from the Community Preservation Fund. Mr. Bordeleau inquired about usage times and rules. Town Administrator Rosemary Cashman responded by noting that the Board of Selectmen would be responsible for drafting any rules and regulations regarding the usage of the park. ES noted that the Commission was just looking at the design from a conservation point of view right now. Abutter Claire Cloutier of Dickens Lane inquired if the Merrimack River Watershed group has had any input into this design. MM responded that they had not. Ms. Cloutier also asked if there would be any trash receptacles and grill pit areas. Ms. DiNovo responded that there would be.

JK expressed concern over access to the riverbank and consequently, the river itself. Tyngsborough Town Administrator Rosemary Cashman and Ms. DiNovo reported that there is a 5-6 foot climb down the riverbank that would make access unlikely. JK went on to say that he believes that the riverbank would be affected by foot traffic which would eventually hurt the riverbank area someday. It was noted that currently there is a vegetated buffer between the river and the bank which might be destroyed by that foot traffic. Ms. DiNovo and Ms. Cashman said that the invasive vegetation on the riverbank would be removed, but the intent was to keep the riverbank as natural as possible in order to keep it low maintenance.

MM recommended a Standard Order of Conditions for this project and summed up the design by saying that the environmental improvements and protection is great and the dragonfly and bald eagle habitats are not impacted at all.

**JK:** Motion to close the hearing.

**JE:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

**JK:** Motion to issue a Standard Order of Conditions for 76 Frost Road (M19, 25, 20B, P60, 8, 30) DEP# 309-0824 for the redevelopment of the former Tyngsborough Campground per the design plans dated 4/22/09 and the NOI dated 4/29/09.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

## Director's Determinations and Report

79 Mascuppic Trail Enforcement Order for excavating and grading within 100 feet of a wetland without a valid Order of Conditions.

**JK:** Motion to approve the Enforcement Order for 79 Mascuppic Trail

**WL:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

## Minutes/Sign Forms/Other Business

**JK:** Motion to approve the meeting minutes as written for 5/26/09.

**WL:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

Signed the following forms:

- 273 Middlesex Rd. Order of Conditions DEP# 309-0822.
- 144 Massapoag Rd. Determination of Applicability.
- 146 Massapoag Rd. Determination of Applicability.
- 148 Massapoag Rd. Determination of applicability.
- 79 Mascuppic Trail Enforcement Order.

**8:45pm**

**JK:** Motion to adjourn

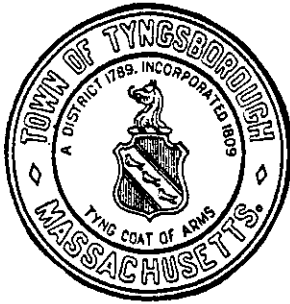
**WL:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes**

Respectfully submitted

Pamela Berman, Conservation Clerk



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AGENDA  
June 9, 2009

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**Discussion:**

**Administrative:**

1. Director's Determinations and Report
  - 79 Mascuppic Trail Enforcement Order.
2. Minutes/Bills/Other Business:
  - ❖ Approve the minutes from the 5/26/09 meeting.
3. Sign the following forms:
  - 273 Middlesex Rd. Order of Conditions DEP# 309-0822.
  - 144 Massapoag Rd. Determination of Applicability.
  - 146 Massapoag Rd. Determination of Applicability.
  - 148 Massapoag Rd. Determination of Applicability.
  - 79 Mascuppic Trail Enforcement Order.